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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/633,243	08/01/2003	James Joseph Babka	AUS919990357US2	2450

		EXAMINER
7590	08/09/2006	CHEN, ALAN S

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2182	

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Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>*01 August 2003*</u>.

2a) ☐ This action is **FINAL.**   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *4-8 and 17-29* is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *4-8 and 17-29* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on <u>*01 August 2003*</u> is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a) ☐ All   b) ☐ Some * c) ☐ None of:

     1. ☐ Certified copies of the priority documents have been received.

     2. ☐ Certified copies of the priority documents have been received in Application No. _____.

     3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date <u>*09/22/2003*</u>.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Drawings

1.   The drawings are objected to because Fig. 4 has numerical labels without associated textual labels that would better clarify the nature of the invention. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

2.   Claim 22 is objected to because of the following informalities: in line 3, the word "wheren" should be –wherein–. Appropriate correction is required.

3.   Claim 22 is objected to because of the following informalities: in line 1, the word

"reicted" should be –recited–. Appropriate correction is required.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4.   Claims 4-8 are directed to method steps which can be practiced mentally in

conjunction with pen and paper, and therefore are non-statutory subject matter.

Specifically as claimed, there is uncertainty as to what performs each of the claimed

method steps because it is not tangible. The Examiner suggests changing the claim

language in the preamble from "method" to "computer implemented method" to

overcome the 35 U.S.C. 101 rejection.

5.   Claims 17-21 are rejected under 35 U.S.C. 101 because the claims are not

limited to tangible embodiments. In view of Applicant's disclosure *(page 9, lines 11 thru*

page 10, line 5), the machine readable medium (claim 17, lines 1) is not limited to

tangible embodiments, instead being defined as including both tangible embodiments

(e.g., ROM or RAM per page 9, line 15) and intangible embodiments *(e.g., carrier*

waves per cited magnetic and electrical recitations on page 10, line 2). As such, the

claim is not limited to statutory subject matter and is therefore non-statutory. To

overcome this rejection the claims need to be amended to include only the physical

computer media and not a communication/transmission media or other intangible or

non-functional media. Examiner suggests replacing machine readable medium with

machine readable storage medium).

Claim Rejections - 35 USC § 103

6.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

7.   Claims 4-8 and 17-29 are rejected under 35 USC 103(a) as being unpatentable

over US Pat. No. 6,292,890 to Crisan in view of US Pat. No. 6,078,306 to Lewis.

8.   Per claim 4, Crisan discloses a method for configuring devices attached to a data

processing system *(Column 1, line 64-Column 2, line 10)*, comprising the steps of: (a)

determining if configuration of a device has begun *(Column 2, lines 4-6, "BIOS will now*

instruct the CPU to search for and label logical devices...detect and configure Plug and

Play devices"); (b) if configuration of a device has begun, inserting the configuration of

the device in a list and displaying a code associated with the device *(Column 2, lines 5-*

8, "...the BIOS supports Plug and Play devices at this time and display a message on

the screen for each one it finds..."; the devices displayed on the screen is intrinsically a

list, such that as the devices are found, the list grows on the screen; the message is the

code associated with the device); (c) determining if configuration of a device has

completed *(Column 2, lines 5-10, summary of the configuration is displayed, e.g., if*

configuration is finished or there are errors in configuration);

Crisan does not disclose expressly the additional steps where, (d) if configuration

of a device has completed, removing the configuration of the device from the list and (e)

if the configuration of the device removed in step (d) had its associated code displayed,

displaying code associated with a configuration of a device immediately previous.

Lewis discloses insight into what is well-known to one of ordinary skill in the art

relative to text windows and BIOS type operations that utilize the text windows to

display configuration status. Lewis discloses that there are only a limited number of

lines on the text screen *(Column 1, lines 49-52)* and that the incoming text causes the

displayed text to scroll upwards *(Column 1, lines 49-52)*, leading to oldest row data

being deleted first.

Crisan and Lewis are analogous art because they are from the same field of

endeavor in outputting BIOS information on a text window screen *(Column 1, lines 35-*

40 of Lewis discloses use of BIOS).

At the time of the invention it would have been obvious to a person of ordinary

skill in the art to have configuration device message/code be removed from the listing

on the text window when the configuration of the device is displayed/completed and to

display the code associated with the configuration device status immediately previous.

The suggestion/motivation for doing so would have been this is exactly the

mechanism performed by the text window system expressly described by Lewis, and

likely used by Crisan. Once the list of device messages displayed in the text screen is

large enough, one-by-one will the oldest displayed message by removed from the top of

the screen by the upward scrolling nature of the text window. The immediately previous

message will therefore replace the removed device message at the top of the text

window.

Therefore, it would have been obvious to combine Crisan with Lewis for the benefit of conforming with the operational nature of text windows used by the majority of computer systems to outputting BIOS information.

9.   Per claim 5, Crisan combined with Lewis disclose claim 4, Crisan further discloses the step of returning to step (a) from step (b) if it is determined that configuration of a device has begun *(Column 2, lines 5-10, once a device is found, send out message, then restart search and configuration of next device).*

10.   Per claim 6, Crisan combined with Lewis disclose claim 4, Crisan further discloses the step of returning to step (a) if in step (c) it is determined that configuration of a device has not completed *(Column 2, lines 5-10, the summary of system configuration is displayed as a message, clearly an error in configuration can be part of the message; Column 1, lines 50-55 disclose the possibility of errors in configuration; search and configuration of the next device occurs after device message has been displayed).*

11.   Per claim 7, Crisan combined with Lewis disclose claim 4, Crisan further discloses the step of returning to step (a) if in step (e) the configuration of the device removed in step (d) had not had its associated code displayed *(Column 2, lines 5-10, the summary of system.configuration is displayed as a message, where a the search and configuration of a next device will continually occur and message corresponding to the device be displayed; in this case, even if the message of a configuration device has been scrolled off the screen, the another devices that is detected and configured will have a message displayed).*

12.   Per claim 8, Crisan combined with Lewis disclose claim 4, Crisan further

discloses the step of returning to step (c) from step (e) (*Column 2, lines 5-10, Crisan*

continually searches, detects, configures and displayed messages for devices until all

devices are enumerated).

13.   Per claim 22, Crisan discloses a system (Fig. 2) comprising: a processor

(*Column 1, line 45-50, "BIOS instructs the CPU..."*); an operating system running on

said processor (*Fig. 3, element 314 shows OS loading from boot device*), wherein said

operating system comprises a configuration manager (*Column 1 and 2, BIOS*

configures what boot device loads the OS; Column 1, lines 35-45 disclose BIOS being

on ROM and executed by CPU, therefore, 'circuitry/logic' is always associated with the

BIOS), wherein said configuration manager comprises: logic for inserting a code

associated with a first device to a list if a configuration of a device has begun (*Column*

2, lines 4-6, "BIOS will now instruct the CPU to search for and label logical

devices...detect and configure Plug and Play devices"; Column 2, lines 5-8, "...the

BIOS supports Plug and Play devices at this time and display a message on the screen

for each one it finds..."; the devices displayed on the screen is intrinsically a list, such

that as the devices are found, the list grows on the screen; the message is the code

associated with the device); logic for displaying said code associated with said first

device (*Column 2, lines 5-8, "...the BIOS supports Plug and Play devices at this time*

and display a message on the screen for each one it finds..."); logic for determining if

configuration of a device has completed (*Column 2, lines 5-10, summary of the*

configuration is displayed, e.g., if configuration is finished or there are errors in

configuration);

Crisan does not disclose expressly additional logic for removing the configuration

code associate with the first device from said list if said configuration of said first device

is completed and logic for displaying code associated with a second device if said code

associated with said first device is displayed, wherein said second device was

previously configured to said first device.

Lewis discloses insight into what is well-known to one of ordinary skill in the art

relative to text windows and BIOS type operations that utilize the text windows to

display configuration status. Lewis discloses that there are only a limited number of

lines on the text screen *(Column 1, lines 49-52)* and that the incoming text causes the

displayed text to scroll upwards *(Column 1, lines 49-52)*, leading to oldest row data

being deleted first.

Crisan and Lewis are analogous art because they are from the same field of

endeavor in outputting BIOS information on a text window screen *(Column 1, lines 35-*

40 of Lewis discloses use of BIOS).

At the time of the invention it would have been obvious to a person of ordinary

skill in the art to have logic where configuration device message/code is removed from

the listing on the text window when the configuration of the device is

displayed/completed and logic to display a second device message/code associated in

the text display line that was previously configured to display the first device

message/code immediately previous to the second device.

The suggestion/motivation for doing so would have been this is exactly the mechanism performed by the text window system expressly described by Lewis, and likely used by Crisan. Once the list of device messages displayed in the text screen is large enough, one-by-one will the oldest displayed message by removed from the top of the screen by the upward scrolling nature of the text window. The immediately previous message will therefore replace the removed device message at the top of the text window.

Therefore, it would have been obvious to combine Crisan with Lewis for the benefit of conforming with the operational nature of text windows used by the majority of computer systems to outputting BIOS information.

14. Per claim 23, Crisan combined with Lewis disclose claim 22, Crisan further discloses the configuration manager *(BIOS)* having logic for displaying code associated with a device located at the top of said list *(BIOS outputs configuration message of a very first device to the text window, it will always be on the top of the list until it reaches the top of the screen and rolls off)*.

15. Per claim 24, Crisan combined with Lewis disclose claim 22, Crisan further discloses the configuration manager *(BIOS)* having logic for displaying code associated with a latest-started device to be configured that has not been completed configuration *(Column 2, lines 5-10 disclose summary message of the status of the device, not necessarily the device completing configuration; the latest device message/code will be displayed at the bottom of the screen)*.

16.   Per claims 17-21 and claims 25-29, claims 4-8 are substantially similar and

therefore the rejection for claims 4-8 are applied accordingly. Per claims 17-21, Crisan

further disclose the BIOS being a computer program product embodied in a machine

readable medium *(Column 1, lines 35-45)* for configuring devices attached to a data

processing system *(Fig. 2 shows the data processing system)*. Per claims 25-29,

Crisan further disclose the system in Fig. 2 performing the method, the system

intrinsically having circuitry to implement the steps, particularly the circuitry being the

BIOS and CPU *(Column 1, lines 35-45)*.

   o Claims 17 and 25 map directly to claim 4.

   o Claims 18 and 26 map directly to claim 5.

   o Claims 19 and 27 map directly to claim 6.

   o Claims 20 and 28 map directly to claim 7.

   o Claims 21 and 29 map directly to claim 8.

Conclusion

17.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure. Patents and patent related publications are cited in the Notice of

References Cited (Form PTO-892) attached to this action to further show the state of

the art with respect to listing configuration status of devices.

   o US Pat. No. 6,154,836 to Dawson III, et al. discloses the BIOS performing a

      POST procedure to configure various types of devices and displaying errors if

      present (Fig. 3A).

- o US Pat. No. 6,496,893 to Arai discloses a configuration manager generating a device tree and determining the status of devices (Fig. 2a)

- o US Pat. No. 6,934,956 to Allen discloses installing and removing various device configuration files to an operating system during boot up (Fig. 4).

18.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alan S. Chen whose telephone number is 571-272-4143. The examiner can normally be reached on M-F 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim N. Huynh can be reached on 571-272-4147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ASC
08/04/2006